

**IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF ALABAMA**

**SUSAN SHIROCK DEPAOLA, IN HER
OFFICIAL CAPACITY OF TRUSTEE
FOR THE BANKRUPTCY ESTATE OF
STEVEN L. PRICE,**

Plaintiff,

v.

**STEPHEN L. PRICE and STARLA
WATSON PRICE FRAZER,**

Defendants.

V.

**BADDLEY & AURO, LLC, and
THOMAS E. BADDLEY, SUSAN S.
DEPAOLA,**

Counter Defendants.

CASE No 06-03317-MHT

**MOTION FOR LEAVE TO SUPPLEMENT AND AMEND
BRIEF OF TRUSTEE/ PLAINTIFF**

COMES NOW the Plaintiff, Susan S. DePaola, Trustee, and respectfully requests this Honorable Court grant leave to supplement and amend limited portions of her brief, submitted pursuant to the Court's order, May 25, 2006, and in support thereof, says as follows:

1. Pursuant to a previous order, Plaintiff was ordered to submit, and timely submitted, a brief incident to Defendant Stara Frazer's motion to withdraw the reference. The instant brief was due, June 13, 2006.

2. During the time between the order date and the date for submission of the brief Mr. Memory traveled on a previously planned four day family trip by to Mexico. Due to Mr.

Memory's absence, the brief was put together with condensed sections describing the Plaintiff's *statement of the case* (Section II) and *statement of the facts* (Section IV).

3. In addition, the scrivener did not have the benefit of all the facts associated with the case as well as how those facts related to the issues. It was only later that Mr. Memory was able to supplement this information.

4. In the amendment, the Plaintiff is seeking leave to substitute the expanded and more definitive text in the *statement of the case* and *statement of the facts* portion of the brief. The amended text is highlighted.

5. There has been no change to the issues, arguments and authorities, or conclusion previously advanced by the Plaintiff.

WHEREFORE, it is requested that this Honorable Court allow the supplementation and amendment of the document filed, June 13, 2006 (ECF Doc. 13).

Respectfully submitted on this the 22nd day of June 2006.

Memory Day & Azar

By: /S/James L. Day
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ASB-1256-A55J

Von G. Memory
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document on the following, by:

☒ placing same in the United States Mail, postage prepaid, and properly addressed

☒ E-mail or ECF

☐ facsimile

☐ hand delivery

☐ delivered in open court

on June 22, 2006.

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